

February 5, 1975

SENATOR DUIS: No. No, I have a question, Mr. President, that I would like to ask the clerk of the Legislature, if he might answer it. If he cannot, that's all right.

PRESIDENT: Senator Duis, so that our procedures will be consistent, I think questions of staff should go to the chair and then--

SENATOR DUIS: The question of the President. Are these records that we have now the property of the Legislature?

PRESIDENT: Respond, Mr. Clerk.

SENATOR DUIS: My question is, the Committee was appointed--

CLERK: As far as I know, they are the property of the Legislature.

SENATOR DUIS: Fine. Any property of the Legislature is of record, right, Mr. President. I am asking so that you might ask the clerk.

PRESIDENT: I sympathize with the clerk because of what he would do in the event of a state or federal subpoena with legislative property is another matter. It's property but not in the sense that it's a chattel of the Legislature, like a desk.

CLERK: And to the extent that it's a record. It is in writing and Senator Warner did deliver it to me last night. Files of records, yes.

SENATOR DUIS: Thank you very much.

PRESIDENT: Is there any discussion on the Marvel amendment to the Cavanaugh motion? Are you ready for the question. Record your vote. Have you voted? Record, Mr. Clerk.

CLERK: 31 ayes, 5 nays.

PRESIDENT: The Cavanaugh motion is held over until Monday. Senator Duis, for what purpose do you arise, sir?

SENATOR DUIS: Mr. President, I make a request or a motion, whichever is necessary, and I will state the purpose of it so that you may make determination. I would request that the clerk of the Legislature direct a letter to the Attorney General for his advice as to whether or not the records in this particular instance or the documents in this instance are a record of the Legislature now or are not. Now would you like that as a request or a motion, sir?

PRESIDENT: I think the clerk could probably, should confer with the chairman of the Select Committee and knowing this clerk as I do, he will probably write the letter.

SENATOR DUIS: Thank you very much.

PRESIDENT: And I don't think it requires formal action of the Nebraska Legislature.

SENATOR DUIS: I thank you, sometimes requests from the Legislature brings more direct action from the Attorney General than from an individual. Thank you, sir.

PRESIDENT: Senator Warner.